IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

WP(C).No. 31996 of 2005(H)

OS.346/2000 OF MUNSIFF COURT,CHAVAKKAD

PETITIONER:

VENMADATHAYIL ASHRAF,
S/O.THAYYIL THARIKUTTY,
VADEKKEKAD VILLAGE DESOM,
CHAVAKKAD TALUK.

BY ADV. SRI.SUNNY MATHEW.

RESPONDENTS:

1. **ABOOBACKER,**
   S/O.PANDOTHAYIL KUNJIBAPPU,
   PUNNAYURKULAM AMSOM,
   ATTUPURAM DESOM, CHAVAKKAD TALUK.

2. **STATE OF KERALA,**
   REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT,
   SECRETARIAT, TRIVANDRUM.

BY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/06/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.31996/2005:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE WRITTEN STATEMENT FILED BY THE PETITIONER/DEFENDANT IN O.S. NO. 346/2000.

EXT.P.2: COPY OF THE AFFIDAVIT IN I.A. 3423/05 FILED BY THE PETITIONER BEFORE THE MUNSIFF COURT, CHAVAKKAD.

EXT.P.3: COPY OF THE ORDER PASSED BY THE LEARNED MUNSIFF IN I.A. 3423/05 IN O.S. 346/2000.

//TRUE COPY//

prv.

PIUS C. KURIAKOSE,J.

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W.P.(C) No.31996 of 2005

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Dated: 15th June, 2007

JUDGMENT

This court successively on 4.4.2006 and 6.6.2007 directed the counsel for the petitioner to serve copy of the Writ Petition on the Advocate who appears for the 1st respondent in the court below and file a memo. The Registry reports that no memo has been filed so far. The Writ Petition will fail. However, if the learned Munsiff has not passed any order formally closing the defence evidence, if the petitioner produce witnesses on the next posting date of the case, the learned Munsiff will allow the defendants to examine those witnesses. Subject to the above direction, the Writ Petition is dismissed. No costs.

srd **PIUS C.KURIAKOSE, JUDGE**